

**United States Court of Appeals**  
**For the First Circuit**

04-11277  
USDC/MA  
O'Toole, G

No. 05-1193

**MANDATE**

CHESTER J. CHALUPOWSKI, JR., ET AL.,

Plaintiffs, Appellants,

v.

JANIS M. BERRY,

Defendant, Appellee.

**JUDGMENT**

Entered: September 27, 2005

This cause came on to be submitted on the briefs and original record on appeal from the United States District Court for the District of Massachusetts.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of the district court is affirmed, and the matter is remanded for the limited purpose of modifying the district court judgment consistent with the opinion issued this day.

Certified and Issued as Mandate  
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

George A. O'Toole  
Deputy Clerk

Date: 11/4/05

By the Court:

Richard Cushing Donovan, Clerk

MARGARET CARTER

By: Margaret Carter, Chief Deputy Clerk

[Certified copies to Hon. George A. O'Toole and Ms. Sarah A. Thornton, Clerk, United States District Court for Massachusetts. Copies to Mr. Chalupowski, Ms. Nabialczyk, & Mr. Hadas.]